

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re: Teresa L. Redman, xxx-xx-7289,

No. 13-09-15974 JA

Debtor.

**STIPULATED AND DEFAULT ORDER GRANTING MOTION TO COMPEL  
ABANDONMENT OF PROPERTY**

THIS MATTER came before the Court on the Debtor's Motion to Compel Abandonment of Property ("Motion") (Doc. 51) requesting that the Court compel the Chapter 13 Trustee to abandon the Debtor's interest in real property located at 1735 Brenda Road SE, Rio Rancho, NM 87124. The Court, noting the stipulation of the Chapter 13 Trustee and being fully advised in the premises, hereby finds:

1. The Chapter 13 petition was filed on December 30, 2009. The Chapter 13 Plan was filed December 30, 2009 (the "Plan")(Doc. No. 4) and an Order Confirming the Plan was entered February 5, 2010 (the "Order Confirming")(Doc. No. 25). The Motion was filed February 28, 2012.

2. Notice of the Motion ("Notice") was mailed on February 28, 2012 to all parties listed on the Motion including, but not limited to, BAC Home Loans Servicing, according to the certificate of service attached to the Notice. The Notice was filed with the Court on February 28, 2012 (Doc. 52).

3. Objections to the relief requested in the Motion were required to be filed on or before March 23, 2012, including 3 days for mailing. On March 8, 2012, BAC Home Loans Servicing filed an Entry of Appearance (Doc. No. 53) but did not otherwise file an objection or responsive pleading. On March 20, 2012, the Chapter 13 Trustee filed an objection to the

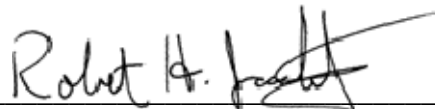
Motion (Doc. No. 54). No other objections were filed, timely or otherwise. The trustee's objection is resolved below.

4. As a party in interest, Debtor represents, pursuant to 11 U.S.C. § 554(b), that the Collateral is of inconsequential value and benefit to the estate since the value of Debtor's interest in the collateral is not greater than the liens upon it.

5. The Motion and stipulations are well-taken and should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

The Motion is granted. The Chapter 13 Trustee shall abandon Debtor's interest in the property of the estate located at 1735 Brenda Road SE, Rio Rancho, NM 87124 for the sole purpose of entering into an arm's length short sale transaction. To the extent that funds recovered from the sale exceed the Debtor's claimed exemptions in the property, such funds shall be paid into the Chapter 13 Plan as an extra plan payment within 30 days of their receipt.



THE HONORABLE ROBERT H. JACOBVITZ  
UNITED STATES BANKRUPTCY JUDGE

Entered on docket: 4/12/2012

Submitted by:

HUNT & DAVIS, P.C.

Approved

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Approved By:

/s/submitted electronically/ks/4/11/12

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